

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:19-cr-00080-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES GREGORY FINCH,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Unopposed Motion for Release on Bond and to Admit Defendant to Pretrial Diversion Program [Doc. 9].

On August 6, 2019, the Defendant was charged with one count of threatening the President of the United States, in violation of 18 U.S.C. § 871, and one count of transmitting a threatening email communication, in violation of 18 U.S.C. § 875(c). [Doc. 1]. The Defendant made his initial appearance on August 9, 2019. On August 14, 2019, the Defendant was ordered detained. The Defendant is currently scheduled for trial during the November 4, 2019 trial term.

The Defendant, through counsel and with the consent of the Government, now moves for his admission to the Pretrial Diversion Program and to transfer this case to inactive status. [Doc. 9]. He also requests that his detention hearing be reopened in order to address the pretrial diversion arrangement and his suitability for release from custody.

Upon review of the Defendant's motion and the parties' Agreement for Pretrial Diversion [Doc. 10 (filed under seal)], the Court hereby approves the Defendant's admission to the Pretrial Diversion Program and will place this case on inactive status. In light of these circumstances, the Court finds that this case should be continued from the November 4, 2019 trial calendar. See 18 U.S.C. § 3161(h)(2) (excluding from Speedy Trial Act calculation any delay during which prosecution is deferred by the Government pursuant to a written agreement with the Defendant, with the approval of the Court, for the purpose of allowing the Defendant to demonstrate his good conduct). For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).


IT IS, THEREFORE, ORDERED that the Defendant's Motion [Doc. 9] is **GRANTED** to the extent that the Defendant's case is hereby **CONTINUED**

from the November 4, 2019 trial term and placed on inactive status pending the Defendant's participation in the Pretrial Diversion Program.

IT IS FURTHER ORDERED that the Defendant's request for release on bond [Doc. 9] is respectfully referred to the Magistrate Judge for disposition.

IT IS SO ORDERED.

Signed: October 7, 2019


Martin Reidinger
United States District Judge

